REMARKS

Claims 1-13 are all the claims pending in the application. By this Amendment, Applicant editorially amends claims 1-12 for better conformity with the US practice and to further clarify the invention. In addition, Applicant adds claims 13 clearly supported throughout the specification.

Preliminary Matters

The Examiner has acknowledged Applicant's claim to foreign priority, but has not indicated receipt of the certified copy of the priority document that should have been received from the International Bureau (PCT Rule 17.2(a)). The Examiner is respectfully requested to investigate this matter and to indicate whether the certified copy of the priority document was received from the International Bureau.

The Examiner is further respectfully requested to indicate acceptance of the drawings filed with the application on March 27, 2002.

The Examiner is respectfully requested to return the initialed form PTO/SB/08 filed with the Application on March 27, 2002, which lists the references cited in the International Search Report.

Claim Rejections under § 102 Rejection

Claims 1-4, 9, and 12 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,802,058 to Harris et al. (hereinafter "Harris"). Applicant respectfully traverses this rejection in view of the following comments.

In general, the present invention relates to a method of setting up a call with predefined characteristics. In the conventional techniques, the properties of a call are conditioned by resources available in the connecting domain and are allocated in a manner that is rigid and without negotiation (¶ 5). In the present invention, however, a call is set up with best available resources selected from various domains of composite cellular network in order to best satisfy set of services required for the call (¶¶ 24-26).

Specifically, a caller sends a request with desired services to the negotiation unit of its domain. The negotiation unit communicates with the resources of its domain to determine available resources and further communicates with the negotiation units of other domains so as to query regarding available resources at these domains. The other negation units inform the requesting negotiation unit of the available resources in its domain and the requesting negotiation unit selects the best available resources from the various domains and sets up a call using these best available resources (Fig. 1).

That is, independent claim 1 recites: subdividing the network into a plurality of domains with a negotiator unit being associated with each domain and having the negotiator unit contact resources of its domain and negotiator units of other domains requesting available resources in said other domains; and determining and selecting resources, from the resources of said at least one negotiator unit domain and the resources provided by the negotiator units of said other domains, that provide best possible match with said set of services and/or characteristics; and setting up said call using said determined and selected resources.

Harris, on the other hand, relates to setting up a call and bridging any differences in resources between various endpoints so that an indirect call via various networks can be set up (*see* Abstract). In Harris, instead of setting up the communications connections through the network, the server sends back instructions to the endpoints to enable them to effect the requisite connections. In addition, the server allocates and assigns (i.e., marshals) to the connection any communications resources that are needed to effect the connection through the network. Call connection management can thus be extended by a call-control server over substantially any kind of network, and the server can treat the network generically, like any other network. Yet, at the same time, call connection management can be centralized in the server, instead of having to be embedded in each network control element (e.g., endpoint, resource, or switch). In Harris, separate call-control servers can be connected together via substantially any underlying transport network and cooperate to form a network of call controllers (col. 1, line 62 to col. 2, line 29).

Harris discloses in response to receiving from a first endpoint an offer of a communication between the first and a second endpoint plus attributes of the communication desired by the first endpoint, the manager sends the offer to the second endpoint. In response to receiving from the second endpoint an acceptance of the offer plus attributes of the communication desired by the second endpoint, the manager determines any resource that is required to bridge any differences between the attributes of the offer and the attributes of the acceptance and to effect the communication. The manager then marshals any determined resource for the communication, and sends either to the first endpoint or to the second endpoint

instructions for that endpoint to set up the communication between the endpoints on the medium through any marshaled resource (col. 2, lines 29 to 58).

Although Harris discloses a number of zones, Harris fails to disclose or suggest selecting resources from both the domain of the caller and other domains. That is, Harris only discloses having resources in each zone for interconnecting the zone with another zone but Harris fails to disclose or suggest using resources of another zone *e.g.*, neighboring zone to set up a call. Moreover, Harris fails to disclose or suggest selecting the best match from the resources of the domain in which the call is requested and resources of other domains. Instead, in Harris, only bridging resources are provided for each zone.

For at least these exemplary reasons, Harris fails to disclose or suggest the unique features of claim 1. Therefore, Applicant respectfully requests the Examiner to withdraw this rejection of claim 1. Claims 2-4 are patentable at least by virtue of their dependency on claim 1.

Independent claim 9 recites features similar to, although not necessarily coextensive with the features argued above with respect to claim 1. Accordingly, arguments presented with respect to claim 1 are respectfully submitted to apply with equal force herein. For at least analogous exemplary reasons, claim 9 patentably distinguishes from Harris. Claim 12 is patentable at least by virtue of its dependency on claim 9.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 5, 6, 8, 10, and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Harris in view of U.S. Patent No. 6,483,912 to Kalmanek, Jr. et al. (hereinafter "Kalmanek") and further in view of WO 00/11850 to Gautier (hereinafter "Gautier"), and claim

7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Harris in view of Gautier. Applicant respectfully traverses these rejections in view of the following comments.

Of these rejected claims, claims 5-8 dependent on claim 1 and claims 10 and 11 dependent on claim 9. Applicant has already demonstrated that Harris fails to disclose or suggest the unique features of claims 1 and 9. It is respectfully submitted that Kalmanek and Gautier, taken alone or in any conceivable combination, do not cure the deficient disclosure of Harris.

Kalmanek relates to allocating network resources for a call by reserving resources prior to committing the resources to the request (*see* Abstract). Specifically, Kalmanek discloses that after the appropriate network resources have been reserved based on the reservation request, these network resources are committed when the called party indicates acceptance for the call. By committing the network resources only when the called party indicates acceptance for the call, the accounting for the call can, for example, accurately track the time of the actual call while excluding the time of the call setup (col. 8, lines 51 to 62).

Kalmanek, however, contrary to the Examiner's position on page 10 of the Office Action, does not disclose or suggest selecting resources for a call from resources available in the requesting domain and other domains. Kalmanek also does not disclose or suggest selecting the resource that provides the best match for the requested service. In short, Kalmanek does not cure the deficient disclosure of Harris.

Gautier is from a different field of endeavor and is unrelated to the invention at hand. Specifically, Gautier provides a server software product that delivers content of a particular web site in accordance with client's constraints and performance characteristics (page 2, lines 12 to

32). Gautier, however, is unrelated to establishing parameters for a call between two parties. If Harris, Kalmanek, and Gautier would somehow be combined, then, instead of setting up a call between two parties, contents of a particular web site would be forwarded to the requesting party as disclosed by Gautier.

In short, Applicant respectfully notes that one of ordinary skill in the art would not have been motivated to combine Gautier that relates to forwarding contents to various clients with Harris and Kalmanek that set up a call between various parties. Moreover, if Gautier's method was somehow included in the technique of Harris and Kalmanek, it would change the principle operation of the invention *i.e.*, establishing a connection for the purpose of downloading content as opposed to setting up a call between two parties. Also, Gautier fails to cure the deficient disclosure of Harris and Kalmanek. Accordingly, claims 1 and 9 are patentable over the combined disclosure of Harris, Kalmanek, and Gautier. Claims 5-8, 10, and 11 are patentable at least by virtue of their dependency on claim 1 or 9. Therefore, Applicant respectfully requests the Examiner to withdraw this rejection of claims 5-8, 10, and 11.

New Claim

In order to provide more varied protection, Applicant adds claim 13. Claim 13 is patentable over the prior art of record at least by virtue of its dependency on claim 9.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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